UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,274	02/21/2002	Ken Masumitsu	JP920000471US1	9785

48062 7590 10/25/2010

RYAN, MASON & LEWIS, LLP
1300 POST ROAD
SUITE 205
FAIRFIELD, CT 06824

EXAMINER	
CHOWDHURY, SUMAIYA A	
ART UNIT	PAPER NUMBER
2421	

MAIL DATE	DELIVERY MODE
10/25/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/081,274	MASUMITSU ET AL.	
	Examiner	Art Unit	
	SUMAIYA A. CHOWDHURY	2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6 and 8-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5,6 and 8-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 1/27/10 have been fully considered but they are not persuasive.

(a) Applicant argues that the prior art fails to disclose "wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment".

The Examiner has brought in Emori (5619410) to teach this limitation.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5-6, 12-16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (US 2005/0172318) in view of Buehl (US 2002/0104093), Rui (7028325), Abecassis, and Emori (5619410).

Regarding claim 1, Dudkiewicz discloses a content digest system comprising: a content provider (metadata distributor 180), wherein the content provider furnishes meta data describing content to a digest server (programming event provider 184); -[0149];

the digest server (184) comprising a content digest for the content ([0149], [0150]), wherein the digest server converts the meta data into characteristic values (metadata is converted into keywords; [0080], [0082]), wherein the digest server calculates an importance level for each of a plurality of content segments ([0102], [0103], [0021], [0026]), wherein each of the plurality of content segments correspond to at least one of the characteristic values ([0102], [0103], [0021], [0026]), and wherein the digest server generates the content digest by using the importance levels ([0022], [0149], [0150]), the content digest comprising at least one of the content segments, wherein said importance level is a degree of importance ([0022], [0149], [0150]); and

a client, wherein the client receives the content digest ([0022], [0149], [0150]), wherein the client includes a user profile having user profile content scores for at least one rated content segment for a user, and wherein the digest server calculates importance levels for the at least one rated content segment based on a current determined content score for the at least one rated content segment (specificity of content; For example, if a user is interested in basketball, any program which has the metadata Sports, Basketball, Houston Rockets, and Yao Ming would have a high probability in that Basketball, Houston Rockets, and Yao Ming are all associated with basketball. Hence, a characteristic value being basketball in this case occurs frequently within a content segment. Conversely, if a program has the metadata Basketball and Babe Ruth, the program would have a low probability since there is only one basketball

characteristic value in the program. – [0020]-[0026], [0149], [0150], [0080], [0082], [0091]-[0093]).

However, Dudkiewicz discloses the content provider furnishes metadata to a digest server as discussed above, but fails to disclose the content provider comprises content and also furnishes content to the digest server. Dudkiewicz further fails to disclose the content digest comprising at least two of the content segments sorted along a time axis based on said importance level, wherein a user rates a viewed content segment, and calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Buehl discloses that the content provider comprises content and metadata and furnishes content and metadata to the digest server (headend 30); [0029].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Buehl, for the advantage of allowing the digest server to determine what to do with the content once it arrives at the digest server.

However, Dudkiewicz and Buehl fails to disclose:

the content digest comprising at least two of the content segments sorted along a time axis based on said importance level;

wherein a user rates a viewed content segment; and

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Rui discloses:

A content digest is generated based on the portions determined to be "exciting segments" and based on the user-desired summary presentation time. For example, if a user wants a 20 minute summary of a program which is about an hour long, the system will filter out the least important or least exciting segments to fit the 20 minute time interval. The 20 minute summary of the segments determined to be important are then presented to the user in sequential order. The content segments are sorted along a time axis in the sense that unimportant content is filtered out, and that the next important segment in sequence is displayed. (col. 6, lines 30-45, col. 7, lines 9-38, col. 14, line 66-col. 15, line 46).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz and Buehl's invention to include the abovementioned limitation, as taught by Rui, for the advantage of reducing the time the user spends viewing a program.

However, Dudkiewicz, Buehl, and Rui fail to disclose:

wherein a user rates a viewed content segment;

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of he frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Abecassis discloses:

Wherein a user rates at least one viewed content segment (col. 58, lines 44-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz, Buehl, and Rui's invention to include the abovementioned limitation, as taught by Abecassis, for the advantage of allowing the user to actively rate content, thereby providing the system a better analysis of the user's preferences.

However, Dudkiewicz, Buehl, Rui, and Abecasssis:

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of the frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Emori discloses:

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of he frequencies indicating how often a characteristic value occurs in the content segment (col. 9, lines 27-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz, Buehl, Rui, and Abecasssis's invention to include the abovementioned limitation, as taught by Emori, for the advantage of providing an effective means of calculating an importance level.

Regarding claim 2, Dudkiewicz teaches wherein the digest server uses determined content scores, which correspond to characteristic values, for each of the content segments to determine the importance levels ([0149], [0150]).

Regarding claims 3 and 6, Dudkiewicz discloses wherein the digest server determines a current determined content score for a current content segment based on determined content scores for similar content segments, the similar content segments determined through a measure comparing frequencies of a plurality of characteristic values for the current content segment with frequencies of a plurality of characteristic values for previously rated (score user assigns in profile [0092]) content segments (specificity of content; For example, metadata including the keywords sports, football, and football team name, can count as having frequent sports characteristic values. [0112], [0149], [0150, [0021], [0026],[0077], [0082], [0091]-[0093]). Abecassis discloses wherein the content is previously shown content– col. 58, lines 44-51.

Claim 5 contains the limitations of claim 1 and is analyzed as previously discussed with respect to claim 1. Claim 5 additionally discloses the following which Dudkiewicz discloses:

importance level estimation means for estimating an importance level for each of a plurality of content segments; and update means for updating, based on the user profile, the importance level of at least one of the plurality of content segments ([0092], [0150]).

Claims 12 and 13 contain the limitations of claims 1, 3, and 18 and are analyzed as previously discussed with respect to those claims.

Claim 14 contains the limitations of claims 1-3 and is analyzed as previously discussed with respect to those claims.

Regarding claim 15, see claim analysis of claim 3.

Regarding claim 16, Abecassis teaches the claimed video digest generation method, wherein the determined content scores are based on user profiles obtained for multiple users who have viewed and listened to the video digest (col. 58, lines 44-51);

Regarding claim 17, Abecassis teaches the claimed video digest generation method, wherein the video digest is generated by selecting a predetermined number of scenes based on a video digest time length received from a user to whom the video digest is to be distributed (col. 57, lines 7-24).

4. Claims 8-11, and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Rui and Emori.

Claim 8 contains the limitations of claim 1 and is analyzed as previously discussed with respect to that claim. However, claim 8 fails to disclose a video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis based on the importance levels

In an analogous art, Rui teaches:

A video digest data generator, for selecting, based on the importance levels, a predetermined number of scenes, for sorting the selected scenes along a time axis based on the importance levels (col. 6, lines 30-45, col. 7, lines 9-38, col. 14, line 66-col. 15, line 46);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Rui, for the advantage of displaying desired content and omitting undesired content to fit the user's desired schedule or desired programming duration.

Claim 9 contains the limitations of claim 3 and is analyzed as previously discussed with respect to that claim.

Claim 10 contains the limitations of claim 4 and is analyzed as previously discussed with respect to that claim.

Claim 11 contains the limitations of claims 1 and 8 and is analyzed as previously discussed with respect to those claims.

Regarding claim 18, Dudkiewicz teaches:

transmitting a user profile that includes information for content desired by a user, information for a video digest for viewing and listening [0092], [0093];

receiving a video digest comprising multiple scenes, that constitute content, and metadata included in each of the scenes, wherein said video digest is created based on a processor-generated importance level for each of a plurality of content segments, and wherein said importance level is a degree of importance [0150], wherein the client receives the content digest ([0022], [0149], [0150]), wherein the client includes a user profile having user profile content scores for at least one rated content segment for a user, and wherein the digest server calculates importance levels for the at least one rated content segment based on a current determined content score for the at least one rated content segment (specificity of content; For example, if a user is interested in basketball, any program which has the metadata Sports, Basketball, Houston Rockets, and Yao Ming would have a high probability in that Basketball, Houston Rockets, and Yao Ming are all associated with basketball. Hence, a characteristic value being basketball in this case occurs frequently within a content segment. Conversely, if a program has the metadata Basketball and Babe Ruth, the program would have a low probability since there is only one basketball characteristic value in the program. – [0020]-[0026], [0149], [0150], [0080], [0082], [0091]-[0093]).

However Dudkiewicz fails to disclose:

User indicates preferred video digest time length; and

Receiving video digest sorted along a time axis based on a processor-generated importance level;

wherein the probability is determined from at least one of a plurality of frequencies, each of he frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Rui discloses:

User indicates preferred video digest time length; and receiving video digest sorted along a time axis based on a processor-generated importance level (col. 6, lines 30-45, col. 7, lines 9-38, col. 14, line 66-col. 15, line 46);

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz's invention to include the above mentioned limitation, as taught by Rui, for the advantage of allowing the user to have content customized according to his schedule or desired programming duration.

However, Dudkiewicz, Buehl, Rui, and Abecasssis:

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of he frequencies indicating how often a characteristic value occurs in the content segment.

In an analogous art, Emori discloses:

calculating importance level based on a probability, wherein the probability is determined from at least one of a plurality of frequencies, each of he frequencies

indicating how often a characteristic value occurs in the content segment (col. 9, lines 27-65).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz and Rui's invention to include the abovementioned limitation, as taught by Emori, for the advantage of providing an effective means of calculating an importance level.

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz, Rui, and Emori as applied to claim 18 above, and further in view of Abecassis.

Regarding claim 19, Dudkiewicz, Rui, and Emori fail to disclose information that is obtained from the user as a result of viewing and listening to the video digest.

In an analogous art, Abecassis teaches the claimed step of transmitting information that is obtained from the user as a result of viewing and listening to the video digest (col. 58, lines 44-51).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Dudkiewicz, Rui, and Emori's invention to include the abovementioned limitation, as taught by Abecassis, for the advantage of allowing the system to automatically customize a video for the user.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUMAIYA A. CHOWDHURY whose telephone number is (571)272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2421

/Sumaiya A Chowdhury/
Examiner, Art Unit 2421